

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
SEPTEMBER 27, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:05 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Eddie Holguin, Jr., and Steve Ortega. Absent: Beto O'Rourke. Late arrival: Presi Ortega, Jr. at 9:18 a.m. The invocation was given by Reverend Ponce Brown, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH**
2. **BI-NATIONAL PROMISE TO STAY DRUG-FREE MONTH**
3. **DOWN SYNDROME BUDDY WALK DAY**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Mr. William F. Hart, Jr. spoke on the El Paso Municipal Court judges.
2. Mr. Victor Aguirre spoke on unhealthy conditions at Sierra Providence Memorial Hospital and the need to certify housekeeping personnel much like the required Food Handlers card.
3. Mr. Ray E. Gilbert, Jr. spoke on the El Paso Electric Company franchise.

Motion made by Representative Steve Ortega, seconded by Representative Lilly and unanimously carried to **RECESS** the City Council meeting for the Mass Transit Department Board meeting at 9:27 a.m.

Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried to **RECONVENE** the City Council meeting from the Mass Transit Department Board meeting at 9:35 a.m.

Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of September 20, 2005 and the Special City Council Meetings of September 12, and September 19, 2005 (Agenda Review).

*Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **EXCUSE REPRESENTATIVE O'ROURKE** from the Regular City Council Meeting of September 27, 2005.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **SLI ENGINEERING, INC.**, on an as need basis, for construction projects at El Paso International Airport for a period of one (1) year in an amount not to exceed **THREE HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS (\$380,000.00)**.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Overhead Electrical Easement which would allow the El Paso Electric Company to locate an overhead line in a portion of Lot 1, Block 2, Desert Trail Subdivision, Unit 2, El Paso County, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Overhead Electrical Easement which would allow the El Paso Electric Company to relocate an existing overhead line within Block 13, Manhattan Heights, El Paso, El Paso County, Texas in order to provide service to the Memorial Park baseball field.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Lot 1, Block 29, Ranchos Del Sol Unit Eight, El Paso, El Paso County, Texas to provide electrical service to 1080 Ted Houghton.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Temporary Construction Easement for a 0.0775 acre, parcel of land being a portion of H.F. Fisher Survey 293, Abstract 38, Portion of Tract 34-A-5, El Paso, El Paso County, Texas, which easement is needed for the Rocky Bluff Drainage Improvement Project.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement between Texas Tech University Health Sciences Center Regional Academic Health Center at El Paso and the City of El Paso to permit the use of a City vehicle by the EMSS Medical Director and EMSS Quality Assurance personnel for the performance of quality assurance duties.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the University of Texas at El Paso ("UTEP"), to assist the MPO to develop the International and Regional Transportation Model. The contract period is from September 30, 2005 through September 30, 2006. The total compensation under the Agreement is \$136,348.00 of which the total amount is local and federal funds.

1st MOTION:

Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

RESOLUTION

WHEREAS, the City of El Paso has been provided opportunity to exhibit over 100 pieces of art by Toulouse-Lautrec, an artist with dynamic energy and a style taken from the French culture of the late 19th century; and

WHEREAS, it has become necessary to impose a per ticket fee for this special exhibit in order to defray the costs of same, such fee not intended to exceed such costs; and

WHEREAS, the El Paso City Council believes that all members of the public should have an opportunity to view the exhibit even while fees are charged to recoup costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That the City of El Paso Museum of Art is authorized to impose an exhibit entrance fee in an amount consistent with the Fiscal Year 2006 Budget Resolution for the Toulouse-Lautrec exhibit beginning October 9, 2005 and ending at the conclusion of business on January 8, 2006, such exhibit entrance fee not to include Sundays wherein admission shall be free to any member of the public and such exhibit entrance fee not to include any student under the age of eighteen.

Mayor John Cook and Representatives Byrd and Presi Ortega, Jr. commented.

The following City staff members commented:

1. Ms. Romie Ruiz, Assistant Head of Development, El Paso Museum of Art
2. Mr. Charlie McNabb, City Attorney
3. Ms. Elaine Hengen, Assistant City Attorney

2ND MOTION:

Motion made by Representative Byrd, seconded by Representative Lilly and unanimously carried to **ALLOW** students 12 and over to attend for free for this particular exhibit.

Representatives Holguin, Jr. and Steve Ortega were not present for the vote.

3RD MOTION:

Motion made by Representative Byrd, seconded by Representative Lilly and unanimously carried to **APPROVE** the above Resolution.

Representatives Holguin, Jr. and Steve Ortega were not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign **An Agreement for Architectural Services** by and between the **CITY OF EL PASO** and **GUILLERMO BARAJAS doing business as ENVIROIDEA**, for design services related to a project known as **"Pavo Real Park and Pool"** for an amount not to exceed **ONE HUNDRED NINETY SIX THOUSAND NINETY SEVEN AND 00/100 DOLLARS (\$196,097.00)**. This is a 2000 Quality of Life Bond Project.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract between the **CITY OF EL PASO** and **PAUL R. PIÑON**, to assist the El Paso Police Department as a Human Trafficking Coordinator at a biweekly rate of \$1, 230.77 for 40 hours per week. The term of the contract shall be for the period of September 28, 2005 through November 30, 2007.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Council supports the submission of a competitive bid for the United States Bowling Congress Women's Championships in 2010 or 2011 or the Open Championships for 2012 and agrees that if the bid is awarded for the City and if the El Paso Sports Commission provides \$500,000.00 and the El Paso County Commissioners Court provides \$250,000.00 the City agrees to provide \$250,000.00 as the City's financial commitment as part of the bid.

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*Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **RE-APPOINT** Anna Gill to the Zoning Board of Adjustment by Representative Steve Ortega, District 7.
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*Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **AWARD** Solicitation No. 2005-249, Vactor Proprietary Parts

Award to: Kinloch Equipment & Supply, Inc.
Arlington, Texas
Item(s): #1
Amount: \$25,000.00 (estimated annually)

Department: General Services
Funds available: 37370510-503121-45202
Funding source: General Services Internal Service Fund
Total award: \$75,000.00 (estimated)
District (s): All

The General Services and Financial Services, Procurement Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Low bidder was deemed non-responsive because they do not have any parts on hand and they do not have a building to warehouse parts in. For this reason they cannot ensure delivery of parts in a timely manner as requested on the contract.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

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*Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **AUTHORIZE** the Deputy Director of Financial Services, Procurement Division to exercise the City's option to extend the term of the agreement for one (1) additional year, from October 5, 2005, through October 4, 2006, pursuant to the provisions of Contract 2004-258, Building Filters with Passage Supply Company, El Paso, Texas.

Option No.: ONE [OF ONE]
Amount of Award: \$17,570.33 Estimated/Year
Account No: 31010326-01101 and Various
Funding Source: Operating Funds
Department: General Services, Maintenance Division

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*Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **APPROVE** the request of Christ Community United Methodist Church to hold a 5K walk/run on October 29, 2005 from 8:00 a.m. to 9:30 a.m. Route: Start at Christ Community United Methodist Church on Loma Clara to Loma Diamante, turn left on Loma Diamante to Andrew Barcena, turn right on Andrew Barcena to Loma Del Norte, turn left on Loma Del Norte to Loma Del Sol, turn left on Loma Del Sol to Jon Cunningham, turn left on Jon Cunningham to Andrew Barcena, turn right on Andrew Barcena to Loma Clara, turn right on Loma Clara and finish at the church. Approximately 100 persons will take part and 50 spectators are anticipated. PERMIT # 05-133 [Bruce Abbott]
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*Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **APPROVE** the request of Parkland High School to hold a homecoming parade on September 29, 2005 from 5:00 p.m. to 6:30 p.m. Route: Start at Parkland High School on Bomarc to Nova, turn right on Nova to Sidewinder, turn left on Sidewinder to Regulus, turn left on Regulus to Minuteman, turn left on Minuteman to Nova, turn left on Nova to Bomarc, turn right on Bomarc and finish at the school. Approximately 350 persons, 20 vehicles will take part and 150 spectators are anticipated. PERMIT # 05-134 [Yolandra Tehart]

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*Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **APPROVE** the request of Tour of Hope to block off N. Laurel St. between Curie and Grandview Ave. on October 1, 2005 from 3:00 p.m. to 7:00 p.m. for a block party. Approximately 10 persons will take part and 100 + spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-135 [D. Bruce Crawford]

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*Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **APPROVE** the request of Girl Scouts Troop 221 to hold a pet parade on October 29, 2005 from 9:00 a.m. to 12:00 p.m. Route: Start on Crusade Dr. to Southwestern, turn left on Southwestern to Redd Rd., turn right on Redd Rd. to Merriman Dr., turn right on Merriman Dr. to the second intersection of Springfire, turn right on Springfire to Crusade Dr., turn left on Crusade Dr. and finish at the Pet's Barn. Approximately 250 persons, 1 vehicle, 200 animals will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 p.a. system). PERMIT # 05-136 [Luz Stephan]

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*Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **APPROVE** the request of Westside Community Church to use amplification (12 microphones, 6 speakers and 4 amplifiers) at Francisco Delgado Park – 7020 Imperial Ridge on October 1, 2005 from 12:00 p.m. to 4:00 p.m. for a Fall Bash Free Concert. Approximately 10 persons will take part and 500 spectators during the course of the day are anticipated. PERMIT # 05-137 [Joseph Williams]

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII - Restrictions on Parking in Residential Districts), of the El Paso Municipal Code, to amend Zone F: No Parking Any Time. The penalty being as provided in Section 12.85.110 (Violation - Penalty) of the El Paso Municipal Code.
- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all times on Certain Streets) to add a new location on Cielo Vista Drive from a point 120 feet South to a point 300 feet North of Avalon Drive, both sides. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all times on Certain Streets) to add a new location on Hague Road between Oregon Street and Mesa Street, South side. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.

- D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at All Times on Certain Streets) to amend: i) a location on Clark Drive from Dulaney Avenue to Trowbridge Drive, both sides; and ii) a location on Clark Drive, extending approximately seventy-six feet North from the North curbline of the Trowbridge Drive Access Road, both sides. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- E.** An Ordinance granting a Special Privilege to the El Paso Sports Commission to temporarily close a portion of Boone Street between Paisano Drive and Delta Drive on the following dates: Wednesday, October 12, 2005; Thursday, October 13, 2005; Friday, October 14, 2005; Saturday, October 15, 2005; Sunday, October 16, 2005; Friday, October 21, 2005; Sunday, October 23, 2005; Monday, October 24, 2005; Thursday, October 27, 2005; Tuesday, November 1, 2005; Friday, November 11, 2005; Sunday, November 20, 2005; Wednesday, November 23, 2005; Saturday, November 26, 2005; Thursday, December 1, 2005; Saturday, December 3, 2005; Sunday, December 4, 2005; and Saturday, December 31, 2005 to stage four lanes of incoming traffic for events being held at the El Paso County Coliseum.

PUBLIC HEARING WILL BE HELD ON OCTOBER 11, 2005 FOR ITEMS 8A – 8E

- F.** An Ordinance changing the zoning of Tracts 2B2, 2B4 and 2B4A, Block 18, Ysleta Grant, El Paso, El Paso County, Texas from R-3 (Residential) to S-D (Special Development District). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7929 Heid Ave. Applicant: Ramon/Rosina Frescas Jr. ZON05-00023
- G.** An Ordinance changing the zoning of a portion of Lot 6, Block 131, Chaparral Park Unit 29, Replat B, El Paso, El Paso County, Texas from A-O (Apartment-Office) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 595 Belvidere. Applicant: Peace Lutheran Church. ZON05-00070
- H.** An Ordinance changing the zoning of Lots 9 and 10, Block 72, East El Paso Addition, El Paso, El Paso County, Texas from R-5 (Residential) to A-O (Apartment-Office). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 3619 Missouri Ave. Applicant: Ascencion & Mary Mena. ZON05-00072
- I.** An Ordinance changing the zoning of a portion of Lot 1, Block 1, Painted Dunes Addition Unit Two, El Paso, El Paso County, Texas from A-2 (Apartment) to C-1 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 10700 Block of McCombs. Applicant: EPT Land Assets. ZON05-00081
- J.** An Ordinance granting Special Permit No. ZON05-00082, to allow for a fire station on Lots 26 and 27, Block B, Pioneer Addition, El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 6500 Block of Angora Loop. Applicant: City of El Paso. ZON05-00082

PUBLIC HEARING WILL BE HELD ON OCTOBER 18, 2005 FOR ITEMS 8F – 8J

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Motion made by Representative Lozano, seconded by Representative Holguin, Jr. and unanimously carried to **APPROVE** restricting one field at Ponder Park for use by children with disabilities and to direct the City Manager to instruct the City Attorney's Office to draft an Agreement, subject to the findings of the soil testing.

Mayor John Cook and Representatives Lozano, Steve Ortega, Castro, Byrd, Holguin, Jr. and Presi Ortega, Jr. commented.

Representative Lozano stated for the record that the item for discussion is located in District 3.

The following members of the public commented:

1. Ms. Sandra Sparks-Oliver, citizen, gave a Powerpoint presentation on the Miracle League. (presentation on file in the City Clerk's Office)
2. Ms. Ashley Bullard, 13-year old Miracle League representative

The following City staff members commented:

1. Dr. Norman Merrifield, Director of Parks and Recreation
2. Mr. Matt Watson, Assistant City Attorney

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Motion made by Representative Steve Ortega, seconded by Representative Lilly and carried **TO MAINTAIN THE STATUS QUO** in Ordinance 15998.

AYES: Representatives Lilly, Byrd, Castro, Presi Ortega, Jr., Holguin, Jr. and Steve Ortega

NAY: Representative Lozano

Mayor John Cook and Representatives Lozano, Steve Ortega, Byrd, and Holguin, Jr. commented.

Representative Steve Ortega stated for the record that, as per Mr. McNabb, the district judge reviews the legal aspects of the situation.

The following City staff members commented:

1. Mr. Alan Shubert, Director of Development Services
2. Mr. Charlie McNabb, City Attorney

The following members of the public commented:

1. Mr. Bob Ayoub, Chairman of the Building and Standards Commission
2. Mr. Tedd Richardson, Building and Standards Commission member

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Motion made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr. and carried to **POSTPONE (3) WEEKS** the discussion and action on the Lee Trevino Drive Extension Project, including direction on the project continuation, recommended option(s) and next steps.

AYES: Representatives Lilly, Byrd, Castro, Presi Ortega, Jr., and Steve Ortega

NAYS: Representatives Lozano and Holguin, Jr.

Mayor John Cook and Representatives Steve Ortega, Lozano, Holguin, Jr., Presi Ortega, Jr., Castro, and Byrd commented.

Representative Steve Ortega stated that Ms. Adauto told him that on the record they have official word from the Tribe that they do not consent to alternates one, two, three, four or five and that's official documentation that they have from the Tribe.

The following City staff members commented:

- 1. Ms. Patricia Adauto, Deputy City Manager for Building and Planning Services
- 2. Ms. Teresa Quezada, Capital Improvement Program Administrator, gave a Powerpoint presentation. (presentation on file in the City Clerk's Office)
- 3. Mr. Charlie McNabb, City Attorney
- 4. Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering
- 5. Mr. Rick Conner, City Engineer

Mr. Chuck Barry, District Engineer, Texas Department of Transportation

The following members of the public spoke in opposition:

- 1. Ms. Carina Ramirez, President Save the Valley #21 Neighborhood Association
- 2. Mr. Martin Gutierrez
- 3. Mr. Ray Pedregon
- 4. Mr. Eduardo Talamantes

2ND MOTION:

Motion made by Representative Steve Ortega, seconded by Representative Byrd and unanimously carried to **ALLOW** Mr. Martin Gutierrez an additional one-minute to address the Council Members.

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd and unanimously carried to **APPROVE** the Conditional "B" building permits for Vista Del Sol Unit 119 Replat A Subdivision based on the finding of economic hardship.

Mayor John Cook and Representatives Presi Ortega, Jr. and Byrd commented.

Mr. Alan Shubert, Director of Development Services, commented.

Mr. Conrad Conde, representing the applicant, Ranchos Real V, LTD, commented.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement for Engineering Services by and between the CITY OF EL PASO and MORENO CARDENAS, INC., for a one (1) year period for an amount not to exceed SEVEN HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$750,000.00).

Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd and unanimously carried to **APPROVE** the above Resolution.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement for Construction Management Services by and between the CITY OF EL PASO and PARAGON PROJECT RESOURCES, INC., for a one (1) year period for an amount not to exceed SEVEN HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$750,000.00).

Mayor John Cook and Representatives Presi Ortega, Jr., Byrd, Steve Ortega and Castro commented.

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney
2. Mr. Rick Conner, City Engineer

Mr. Manuel Rosas, President, Paragon Project Resources, Inc., commented.

Motion made by Representative Byrd, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the above Resolution.

Representative Steve Ortega was not present for the vote.

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*Motion made by Alternate Mayor Pro Tempore Lozano, seconded by Representative Byrd and unanimously carried to **DELETE** the request to reject the bids submitted for Solicitation No. 2005-233, Caribe Park Improvements. The sole bid received exceeds the budget appropriated for this project. It is recommended by the Purchasing, Engineering and Park and Recreation Departments that this item be re-bid with revised specifications.
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Motion made by Representative Holguin, Jr., seconded by Representative Lozano and unanimously carried to **AWARD** Solicitation No. 2005-233, Caribe Park Improvements

Contractor:	F. T. James Construction, Inc.
Location:	250 Cayman Lane
Department:	Parks and Recreation
Funds Available:	71150069-G7130CD0015-07797-508027-Community Development
	\$ 89,542.35
	51159242-P518000000-16022-508004-Park Dedication Funds
	\$ 43,568.65
Items: Base Bid	\$133,111.00
Total Award:	\$133,111.00
Estimated Completion Date:	December 2005

RECOMMENDATION:

The Departments of Engineering, and Parks and Recreation recommend the award of this contract to F. T. James Construction, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Steve Ortega was not present for the vote.

Representative Byrd commented.

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and carried to **POSTPONE ONE (1) WEEK AND REFER TO THE POLICE LEGISLATIVE REVIEW COMMITTEE, HEALTH AND PUBLIC SAFETY**, Solicitation No. 2005-258 Towing, Storage & Sale of Motor Vehicles

Award to:	El Paso Towing, Inc. El Paso, Texas
Item(s):	Group I & Group III
Amount:	\$80,000.00 (estimated annually)
Award to:	AD Wrecker Service, Inc. El Paso, Texas
Item(s):	Group II
Amount:	\$849,500.00 (estimated annually)
Department:	General Services and Police
Funds available:	37370510-503125-45202
Funding source:	Various (all City Departments will be using this contract)
Total award:	\$2,788,500.00 (estimated)

The General Services, Police and Financial Services Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Recommendations were made by both the General Services Department and the Police Department for award of Group I to El Paso Towing, Inc.

The El Paso Police Department offered recommendations to award Group II to AD Wrecker Service, Inc. for the Authorized Police Dispatcher Tows and Group III to El Paso Towing, Inc. for the Abandoned, Junked and Illegally Parked Vehicles.

Vendor #1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award. Additionally, vendor #1 offers the City a prompt payment discount of 15% twenty (20) days.

Vendor #2 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award. Additionally vendor #2 offers the City a prompt payment discount of 2% ten (10) days.

This is a Requirements Type Contract with an initial term of Thirty Six (36) months.

AYES: Representatives Lilly, Lozano, Castro, and Presi Ortega, Jr.
NAYS: Representative Byrd
ABSTAIN: Representative Steve Ortega
NOT PRESENT FOR THE VOTE: Representative Holguin

NOTE: This item was discussed in Executive Session.

2ND MOTION:

Motion made by Representative Lozano, seconded by Representative Presi Ortega, Jr. and carried **TO MOVE THE ITEM INTO EXECUTIVE SESSION** for further discussion.

AYES: Representatives Lilly, Lozano, Castro, and Presi Ortega, Jr.
NAY: Representative Byrd
NOT PRESENT FOR THE VOTE: Representatives Holguin, Jr., and Steve Ortega

Mayor John Cook and Representatives Lozano, Byrd, and Presi Ortega, Jr.

The following City staff members commented:

1. Mr. Byron Johnson, Financial Services
2. Ms. Elaine Hengen, Assistant City Attorney
3. Mr. Charlie McNabb, City Attorney
4. Mr. Bill Studer, Deputy City Manager for Financial and Administrative Services

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Motion made by Representative Lozano, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** Change Order No. Two (2) to Silverton Construction Co., Inc., for Contract No. 2004-078 Street Resurfacing 2004-2005 project. The amount of this change order represents an increase in expenditures for Line Items #11 thru #20 as described in the Street Department Director's Letter to Contractor requesting the additional work. This letter requests the installation of pavement markings on streets that are not being resurfaced. The dollar amount of this change order is \$599,998.00. Estimated quantities, Contract Unit Pricing, Street Department Request Letter to Contractor and Contractor's Response are attached. This project is scheduled to be completed by March, 2006.

The funding sources for the work described under this change order are as follows: \$240,657.82 from 31260001-PST05003-60663-508027 and \$359,340.18 from 31250102-PST05003-27175-508027.

Representatives Holguin, Jr. and Steve Ortega were not present for the vote.

Mr. Byron Johnson, Financial Services, commented.

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RESOLUTION

WHEREAS, the City awarded Contract No. 2004-117-C1 to Sisbarro Buick Pontiac GMC on May 18, 2004, for Used Program Vehicles; and

WHEREAS, the City Council finds that the Company is in default of the provisions of the Contract; and

WHEREAS, pursuant to Section C, Paragraph 18B of the Contract (Termination for Default), the City is authorized to terminate the Contract in the event of default by the Company; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Deputy Director of Financial Services is authorized to notify Sisbarro Buick Pontiac GMC that the City is terminating Contract No. 2004-117-C1 pursuant to the provisions and requirements of Section C, Paragraph 18B of the Contract Clauses due to default of Sisbarro Buick Pontiac GMC and that the termination shall be effective as of September 28, 2005.

Motion made by Representative Lozano, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the above Resolution.

Representatives Holguin, Jr. and Steve Ortega were not present for the vote.

ORDINANCE 16170

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, TO AMEND RULE 29 IN ITS ENTIRETY, TO REVISE THE PROCEDURES AND REQUIREMENTS UNDER WHICH EMPLOYEES MAY BE GRANTED PERMISSION FOR OUTSIDE EMPLOYMENT.**

Representative Byrd commented.

Ms. Linda Ball Thomas, Interim Director of Human Resources, commented.

Motion duly made by Representative Lozano, seconded by Representative Presi Ortega, Jr., that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, and Presi Ortega, Jr.
NAYS: None Absent: Council Member O'Rourke
NOT PRESENT FOR THE VOTE: Council Members Holguin, Jr., and Steve Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Motion made by Representative Byrd, seconded by Representative Lilly and unanimously carried to **DELETE** City Manager's report of current events and issues:

Staff Briefing on the Elements & Legal Issues of the Development Process.

Representatives Holguin, Jr. and Steve Ortega were not present for the vote.

Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried to **APPROVE** budget transfer BT2006-045 OMB

Establishment of a reimbursable fund for the tracking of all costs associated with any and all measures taken by the City of El Paso to provide relief to the evacuees the City has received from victims of Hurricane Rita.

Increase	\$500,000	to	22150024/G22060507173/406000	FedGrntProc
Increase	\$500,000	to	22150024/G22060507173/505200	CommSvc

Representatives Castro, Presi Ortega, Jr., Holguin, Jr. and Steve Ortega were not present for the vote.

NOTE: BT2006-045 OMB was revised from \$1,500,000 as posted on the agenda.

Motion made by Representative Lozano, seconded by Representative Castro and unanimously carried that the City Council **RETIRE** into Executive Session at 12:59 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

13. Solicitation No.: 2005-258 Towing, Storage & Sale of Motor Vehicles

Award to:	El Paso Towing, Inc. El Paso, Texas
Item(s):	Group I & Group III
Amount:	\$80,000.00 (estimated annually)

Award to:	AD Wrecker Service, Inc. El Paso, Texas
Item(s):	Group II
Amount:	\$849,500.00 (estimated annually)

16A. *Rita Rodriguez v. The City of El Paso*, Cause No. 2004-4957 in the 34th District Court (551.071)
[Mayor John F. Cook, (915) 541-4015]

16B. Frank Lopez, et al v. *The City of El Paso*, et al, Cause No. EP-05-CA-0009-FM in the United States District Court for the Western District of Texas (551.071) [City Attorney, Charlie McNabb, (915) 541-4550]

Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried to **ADJOURN** the Executive Session at 1:35 p.m. and reconvene the meeting of the City Council, during which time the following motions were read:

.....
Motion made by Representative Lozano, seconded by Representative Byrd and carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the case styled *Rita Rodriguez v. The City of El Paso*; Cause No. 2004-4957 in the 34th District Court, El Paso County, Texas, as recommended by the City Attorney and to authorize the City Attorney or his designee to execute all documents necessary to effectuate that authority.

AYES:	Representatives Byrd, Lozano and Presi Ortega, Jr.
NAYS:	Representative Castro
ABSTAIN:	Representative Steve Ortega
NOT PRESENT FOR THE VOTE:	Representatives Holguin, Jr. and Lilly

.....

Motion made Representative Lozano, seconded by Representative Byrd and carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the case styled *Frank Lopez, et al vs. City of El Paso, et. al.*; Cause No. EP-05-CA-0009-FM in the United States District Court for the Western District of Texas, as recommended by the City Attorney and to authorize the City Attorney or his designee to execute all documents necessary to effectuate that authority.

AYES: Representatives Byrd, Lozano, Castro and Presi Ortega, Jr.

NAYS: None

ABSTAIN: Representative Steve Ortega

NOT PRESENT FOR THE VOTE: Representative Lilly and Holguin, Jr.

.....
Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried to adjourn this meeting at 2:00 p.m.
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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk